

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00077-01

JERRY D. MASSEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On January 31, 2013, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Jerry D. Massey, appeared in person and by his counsel, Stephanie L. Ojeda, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Douglas W. Smith, the defendant having commenced a six-year term of supervised release in this action on September 11, 2009, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on October 11, 2005.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state offense of possession of a substance to be used as a precursor to manufacture methamphetamine, as evidenced by his guilty plea entered on January 5, 2012, in the Circuit Court of Boone County, for which he received a \$750 fine; (2) that the defendant committed the state offenses of statutory burglary, grand larceny and larceny with intent to sell or distribute, as evidenced by his guilty plea entered on January 9, 2012, in the Smyth County, Virginia Circuit Court, for which he received a 15-month sentence to be followed by three years of probation; (3) that the defendant left the Southern District of West Virginia without permission inasmuch as he committed crimes in Smyth County, Virginia, as set forth above; and (4) that the defendant used and possessed controlled substances inasmuch as on July 20, 2010, the defendant provided a urine specimen that tested positive for oxycodone and on August 27, 2010, admitted to the probation officer that he used hydrocodone and Roxicodone without a valid prescription; all as admitted by the defendant on the record of

the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.


And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of forty-eight (48) months less one day of supervised release upon the standard conditions of supervised release now in effect in

this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six months in a community confinement center commencing immediately upon his release from imprisonment, follow the rules and regulations of the facility and participate to the maximum extent feasible in drug abuse counseling and treatment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 5, 2013

  
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John T. Copenhaver, Jr.  
United States District Judge